WILLIAM PITT FESSENDEN

BY RICHARD WEBB

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OF THE

MAINE HISTORICAL SOCIETY

JULY, 1899

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BY RICHARD WEBB.

Read before the Maine Historical Society, February 23, 1894.

THE public career of William Pitt Fessenden covered the period from 1854 to 1869, from the rise of the Republican party to the close of Johnson's administration. With the exception of about eight months, when he was Secretary of the Treasury, he was, during all this time, a member of the Senate. He entered that body as the slavery question was reaching a crisis, and in the momentous events which followed he bore a leading part. In many respects this period of our history, from the passage of the Kansas-Nebraska bill to the first inauguration of President Grant, is the most important. It witnessed the rise and suppression of a great rebellion, the abolition of slavery, the reconstruction of the South and the impeachment of a president. At no former period had the necessity for the highest order of statesmanship been greater, and this necessity developed in many of our public men the qualities and abilities which the occasion demanded. Many who then occupied important positions and wielded large influence seem to have been now forgotten, save, perhaps, in the localities where they lived, or by those who were in some sense their contemporaries. Lincoln and a few others have already achieved immortality, but there were many more whose names are now rarely heard, but whose services

to the Republic merit at least remembrance. Such a one was Fessenden. As an apostle in the antislavery crusade, and, for many years, as a leader in the Senate, he exhibited those qualities of mind and character which mark the statesman; and especially as Secretary of the Treasury, as Chairman of the Joint Committee on Reconstruction, and in daring to vote against his party for the acquittal of Andrew Johnson, his services were most important.

No sketch of Fessenden, however brief, would be complete without some reference to his father, Gen. Samuel Fessenden, for from him were inherited in marked degree the intellectual traits which made the senator distinguished. Samuel Fessenden was a son of William Fessenden, the first minister of the first parish in Fryeburg, Maine, and was born at Fryeburg in 1784. His early education was obtained at the Fryeburg Academy, the principal of which during the latter part of his course was Daniel Webster, then a recent graduate of Dartmouth College. A warm friendship sprang up between teacher and pupil which continued during life, and it was doubtless due to Webster's influence that Samuel Fessenden went to Dartmouth, where he was graduated in 1806. He studied law in an office in his native village, and was admitted to the bar in 1809. He began practise in New Gloucester, Maine, and remained there until 1822, when he moved to Portland, and formed a partnership with Thomas Amory Deblois. This firm continued for many years, and from the beginning had a large and important practise. The early volumes of the Maine

Reports show that Fessenden & Deblois appeared in more cases before the Law Court than any other lawyers in Cumberland County, and it is said of Gen. Fessenden that probably no other lawyer in Maine ever argued so many cases to the jury. As a lawyer he was successful, and won a reputation at the bar as a safe counsellor and an able and eloquent advocate. For many years he was president of the Cumberland Bar Association, which position he held at the time of his death. He was not only well read in the law, but was also a man of scholarly and literary tastes. In 1828 he might, perhaps, have been elected president of Dartmouth, had he not declined to be considered a candidate. In 1848 he received from Bowdoin the degree of LL.D. For many years before Maine was set off as a separate state he represented the town of New Gloucester in the General Court of Massachusetts, serving in both the House of Representatives and in the Senate, and it was on account of his legislative services that he was elected, in 1818, a Major-General of the militia, thereby receiving the title by which he was commonly known.

In politics he was a pronounced and ardent Federalist so long as Federalism had life. He then became a Whig, but his extreme antislavery views soon alienated him from that party, and finally and naturally drew him into the Republican party. He was, therefore, during the greater part of his life a member of the minority. Maine was a Democratic State from the time of its organization until the rise of the Republican party. Except in the memorable election of

1840, when Edward Kent was chosen governor, no Whig was ever elected by the people to that office, and except in the same election, when William Pitt Fessenden was elected to Congress, the seat for the Portland district was regularly filled by a Democrat. Had General Fessenden lived a little earlier so that his prime of life might have come when the Federalist party was dominant, or had he lived a little later, so that his prime might have come during the Rebellion, he would doubtless have been a man of national position and reputation. He lived in both periods, but Federalist supremacy had ceased before he was of age, and the success of the later Republican party found him an old man nearing his eightieth year. In this respect his career was unfortunate. He was naturally drawn toward public life, and battled with keen zest in behalf of principles which he believed to be right. He did all he could for the negro when it cost something to befriend a slave. He received colored people at his house, visited them himself, and aided them in their attempts to attain position in society. The unpopularity of such a course did not deter him. He entered into the antislavery cause from sincere conviction, and gave to it the best efforts of his mind and heart. He was a man of great strength of character, of intellectual force and of firm convictions. He died at Portland, Maine, March 19, 1869, aged nearly eighty-five years, preceding his distinguished son to the grave by only about six months.

William Pitt Fessenden was the eldest son of Gen. Samuel Fessenden, and was born at Boscawen, New

Hampshire, October 16, 1806. The name which he received is indicative of his father's political opinions, as Pitt, then at the height of his power and reputation as premier of England, was the idol of the New England Federalists. His childhood was spent at his father's home in New Gloucester. He was early studious and unusually precocious. In 1819, before he was thirteen years old, he entered Bowdoin College, and was graduated there with honors in 1823. Franklin Pierce, who afterwards became president, was in college at the same time, being a member of the class of 1822, while in the class of 1825 were Longfellow and Hawthorne.

While Fessenden was in college his father had moved from New Gloucester to Portland, so that when his college course was completed he came to his father's new home, and began to study law in the office of Charles S. Daveis, at that time one of the leading lawyers in Maine. He was a law student for four years, part of the time in the office of his uncle Thomas Fessenden in New York, and in 1827, being then twenty-one years old, he was admitted to the Cumberland Bar. He had received an excellent drill, especially in equity, then a new branch in the jurisprudence of Maine. After his admission he opened an office in Bridgton, Maine, where he remained about two years. He then returned to Portland, and became a member of his father's firm, but this arrangement not proving satisfactory he went to Bangor, where he stayed until 1832, when he again returned to Portland, and for the rest of his life made his home in that city. He was

married on the year of his return to the youngest daughter of James Deering.

Fessenden soon took high rank at the bar, and developed much of the true spirit of the lawyer. He was fond of the profession, and in many respects preferred it to holding public position. He enjoyed a large although not specially lucrative practise, and long before his election to the Senate he was recognized as one of the leading lawyers of the state.

He early took an interest in politics. In 1827, when only twenty-one years of age, he delivered to the young men of Portland a Fourth of July oration, in which he clearly showed the bent of his mind toward public affairs. In 1832 he was elected to the Legislature as a Whig, having been offered and having declined the Whig nomination for Congress. It may be that this latter nomination was declined because there seemed to be slight prospect of election, or it may be that he did not consider it wise at the very beginning of his professional career, and before he had established a practise, to afford the time necessary for a Congressional term. Service in Congress does not seem to have been then considered the honor it has since become. An appointment to the bench was much preferred, and on two separate occasions seats in the United States Senate were resigned for positions on the Supreme Court of Maine. In 1840, however, he accepted the Congressional nomination and was elected; but service in the House of Representatives did not seem to suit his tastes and although renominated he positively declined to run. Ten years later,

in 1850, he was again elected to Congress, but lost his seat through an error in the returns.

In 1843 and 1845 the Whigs in the Legislature gave him their votes for the senatorship, and in 1853, when the term of James W. Bradbury, who was a Democrat, expired, he again received the support of his party. But the Legislature of 1853 failed to elect, no candidate receiving a majority of the votes cast, and adjourned leaving the vacancy to be filled by the Legislature to be elected in the coming fall. Now in the political campaign of that year a serious split occurred in the Democratic party so long dominant in Maine. A considerable faction, calling themselves "Independent Democrats," bolted the regular nominations and supported, as their candidate for the governorship, Anson P. Morrill. There was no election of governor by the people, and it fell, therefore, upon the Legislature which met in January, 1854, to elect both a governor and a senator, with the balance of power resting in the handful of members who were the supporters of Mr. Morrill.

Mr. Fessenden had been at all times a consistent Whig, and was the most prominent man of that party in the state. Besides his brief experience in Congress, he had served many terms in the Legislature, had been a delegate to several national conventions, and had before been the regular candidate for the senatorship. For these reasons his friends claimed for him the united support of the party. But he was a pronounced antislavery man. While he had not followed his father's example in breaking with the Whig party, he was at all times in favor of vigorous and

constitutional opposition to the slave power. These views commended him to the "Independent Democrats," who had broken with their own party on the slavery question, but not to several members of his own party of pro-slavery proclivities who called themselves "Strict Whigs," and who were willing to vote for him as the party candidate so long as there should be no prospect of his election, but who would not vote for him if he were to receive the support of anti-slavery Democrats. Any open combination was therefore impossible, and Mr. Fessenden's election was brought about by a ruse secretly planned by Mr. Morrill and shrewdly executed by his followers. It was reported and not denied that the "Independents" would support as their senatorial candidate ex-Gov. Hubbard. On the day of the election they circulated ballots for him, and then they all voted for Fessenden. So well had the secret been kept as to what the "Independents" would do that the Whigs were completely deceived, and as all the Whigs had voted for Mr. Fessenden, he was, to their great surprise, elected on the first ballot.

At the time of Mr. Fessenden's election to the Senate the great debate on the Kansas-Nebraska bill was in progress. This bill for the organization of the two territories of Kansas and Nebraska provided for the repeal of the Missouri Compromise, and its passage by Congress broke up the Whig party, consolidated the antislavery men of the North into the new Republican party, and impelled the South toward secession. Its importance may warrant a brief review

of the political history of the slavery question up to this time.

Of the original thirteen states seven were free and six were slave. Up to 1850 seventeen new states had been added to the Union, and of these eight were free and nine were slave. So that at that date the Union consisted of thirty states equally divided between freedom and slavery. Moreover this equality which then existed had been maintained from the beginning, for, with the single exception of Louisiana, which was admitted in 1812 with no corresponding state from the North, it had been so arranged that states were admitted regularly one from the North and one from the South. Thus Kentucky and Vermont, Tennessee and Ohio, Mississippi and Indiana, Alabama and Illinois, Missouri and Maine, Arkansas and Michigan, Florida and Iowa, Texas and Wisconsin came into the Union in pairs, not indeed at precisely the same moment in every case, but always with reference each to the other in the order named. The constitutional equality of all states in the Senate gave to each section, therefore, equal representation in that body, and although in the House of Representatives and in the Electoral College the free states predominated because of their more rapid growth in population, the slave states were always able to defeat in the Senate any hostile legislation which might have passed the House, and to refuse to confirm any nomination made by the President which they considered inimical to their interests. A tie vote, to be sure, cannot carry measures, but it can always defeat them, and any combination of votes that

possesses the negative power will in the end direct and control the positive action of the body to which it belongs. It was, therefore, of the highest importance to the South, or, at least, it was believed to be so by the Southern leaders, that this balance of power in the Senate should be maintained. It was for this purpose that the Mexican War had been fought, resulting in the acquisition of the long stretch of southern territory extending to the Pacific from which new slave states might be carved to balance the free states which might grow up in the Northwest.

But the far reaching plans of the South were suddenly and most unexpectedly disturbed through the discovery of gold in California, in 1848. The enormous and unprecedented rush to the Pacific coast soon gave to this region a large population, and it was a population in which the South had but few representatives. Slavery there had no status. Within two years after the discovery of gold, California applied for admission as a free state, without having previously been through the territorial period. This territory was acquired through the active exertions of the South, and its acquisition was bitterly opposed by the North. The avowed purpose and expectation of its acquisition had been to strengthen the South. The unexpected result was to strengthen the North. The strenuous efforts of the South to maintain the balance of power had in this instance served to most rudely disturb it. Fierce and bitter was the contest which ensued. Secession was angrily threatened, and a disruption of the Union

seemed imminent. In this crisis Henry Clay brought forward a compromise which was finally adopted and which became known as the Compromise of 1850. On behalf of the North it was provided that California should be admitted as a free state and that the slave trade in the District of Columbia should be abolished, while the South was appeased by provisions that ten million dollars be given to Texas for the payment of its war debt, that the remaining territory acquired from Mexico be organized without prohibition or permission of slavery, and that the Fugitive Slave Law be enacted. These measures were hailed far and wide as the final settlement of the slavery question. Resolutions of both parties adopted at the conventions of 1852 referred to them as an adjustment of the whole controversy. Attempted secession was really only deferred, but the danger of it was believed to be over.

It soon became evident that the settlement was one in name only, and that a truce, not a final peace, had been obtained. The harsh provisions of the Fugitive Slave Law, which denied right of trial by jury to one accused of being a runaway slave, and gave him no right of appeal from the decision of a United States Commissioner depriving him of his freedom, were so at variance with the spirit of liberty pervading the common law, that the law was most unpopular and most difficult of enforcement throughout the North. Moreover the rule or ruin policy of the South began to be more clearly seen and understood, and there grew and became fixed in the Northern mind a deter-

mination to make no further concessions. On the other hand the South realized that it had lost its power in the Senate, and that an effort must be made to regain it. Arizona and New Mexico, which were the only remaining Southern territories available, gave little promise of being able to support populations large enough for state organizations, while in the North there was territory sufficient for many more states whose admission would give the North power to outvote the South in both the House and the Senate, and this power the South conscientiously believed would be used for the abolition of slavery and for the political degradation of the Southern states. There seemed to the leaders of the South but one thing to be done. The measure was desperate but it was their only hope. They must break through the line of the Missouri Compromise. This line was the southern boundary of Missouri, and when that state had been admitted as a slave state in 1820, Congress had enacted that no more slave states should be admitted north of that line. This was the compromise which had allayed the antislavery agitation of that time, and for over thirty years it had been acquiesced in by both sections. The acting generation had grown to manhood with profound respect and even reverence for it, and had come to regard it almost as sacredly as though it were part of the organic law of the Republic. It was now proposed in the bill for organizing the territories of Kansas and Nebraska that this compromise be repealed "that the citizens of the several

states shall be at liberty to take and hold their slaves within any of the territories." The North was fairly stunned by this proposition. Had it been proposed to abolish the Constitution itself the surprise could scarcely have been greater. No previous antislavery excitement bore any comparison to that which spread over the North as the discussion progressed. The proposal did not merely call forth opposition, it produced almost a frenzy of wrath on the part of thousands, irrespective of party, who had never before taken any part whatever in the antislavery agitation.

When Mr. Fessenden took his seat in the Senate on February 23, 1854, the debate on the Kansas-Nebraska bill was at its height, and into this debate he plunged at once, delivering his first speech on the evening of March 3. This speech bears no evidence of careful literary preparation. It was delivered without notes and upon the inspiration of the moment, but it was clear, logical, forcible and consistent. The frequent interruptions and questions of such veteran debaters as Cass, Douglas and Butler of South Carolina, did not disconcert him. Having come directly from the people, he voiced the popular indignation which this bill had aroused, and having been elected by a democratic legislature, although he himself was a lifelong Whig, his presence in the Senate was an example of how this slavery question, so suddenly and unexpectedly reopened, had made men forget past political differences.

His speech won from his fellow senators their immediate recognition of him as a debater of more than

usual ability, and drew public attention to himself as a new and fearless leader of the small band of anti-slavery men then in Congress.

But the Missouri Compromise was repealed. In a Senate of sixty-two members only fourteen voted against the bill. As had so often happened before the demands of the South were granted. Instantly the Republican party sprang into being, taking for its creed opposition to the extension of slavery in the territories, while "popular sovereignty" became the rallying cry of the Democrats. The old issues were forgotten, and slavery became the one political question. The Whig party was dead, and although many Whigs became Democrats, many Democrats joined their old opponents in becoming Republicans. Then came the fierce and bitter struggle for the possession of Kansas fought out largely in hand-to-hand encounter upon the soil of that new territory, the attempt to fraudulently force a slavery constitution upon the Kansas people, the final defeat of the pro-slavery party and the admission of Kansas as a free state. As the Southern leaders saw power slipping from their grasp, and realized that not only the balance of power never could be restored, but that the time was at hand when the control of the government in all its branches would pass to enemies of Southern institutions, angrier and more arrogant grew their demands, and firmer and more determined became the Northern resistance. The Supreme Court issued the Dred Scott decision, John Brown attempted to capture Harper's Ferry, Abraham Lincoln was elected to the presidency, the

Southern states passed ordinances of secession, and active preparations for war began.

Mr. Fessenden's first term in the Senate was therefore crowded with exciting and momentous events, and in all the legislative struggles of the time he bore a conspicuous part. The prominent position he had assumed at the beginning he held to the end as the little band of champions for freedom grew greater. He spoke frequently in the Senate, making notable speeches on the Lecompton constitution and the Dred Scott decision, but it was as a debater rather than as an orator that he shone. In debate he was always ready. Nobody could match him in immediate and incisive reply, and his words were swift and sharp. In sentiment he was thoroughly antislavery. It was his inheritance and he was faithful to it. In all demands of slavery for recognition and protection his opposition was inflexible. When to be antislavery was to be anti-American, he was antislavery; when his party would compromise, he dissented; when, on the eve of rebellion, conference and concession were proposed, he would have no participation in it and would yield no assent; and when war came for separation and independent slave power, he saw in it the nation's opportunity. The growth of the antislavery sentiment, the moulding of public opinion and the solidifying of the North to resist secession were due to many things of which men and events each had their share; but the fearless, determined and uncompromising stand taken by such men as Fessenden in Congress had an effect which cannot well be overestimated.

When the Republican party came into power, to Mr. Fessenden was assigned the difficult and important position of chairman of the finance committee. Here he was most conspicuous in sustaining the national credit during the war. He prepared and carried through the Senate all measures relating to revenue, taxation and appropriations, and so much confidence was reposed in him, and so great was his influence, that his bills almost always became laws substantially as he had reported them. As declared by Sumner "all that our best generals were in arms, he was in the financial field." In one important instance he was outvoted. He objected to the Legal Tender bill, and he stated his objections in one of his ablest speeches. He disputed the contention that such action was necessary. Although the credit of the government had been impaired, it was still strong, but a measure of this kind would further injure it as being practically a confession of bankruptcy. It would be in bad faith, for it would compel one to take in payment of a debt that which he would not otherwise be willing to receive, and what would probably not be full payment. It would encourage bad morals by enabling men to pay their debts at a discount. It would inflict a stain upon the national honor in compelling foreign creditors to receive their debts in depreciated paper. It would change the values of all property. Instead of using gold and silver as the measures of value, a new measure would be adopted, which would be constantly fluctuating, and, although passing nominally at par, gold would go to a premium, and all other kinds of

property would also appreciate. The heaviest loss would fall upon the poor. The constitutionality of the act was at best doubtful. The correctness of these views was soon apparent after the passage of the bill. All his predictions were fulfilled, and to the evils of a civil war were added the misfortunes of a depreciated and fluctuating currency.

At the darkest hour of the war, in June 1864, Secretary Chase resigned the portfolio of the Treasury. To fill the vacancy, David Tod, of Ohio, was nominated, but he immediately sent a telegram to the President declining the office. The nomination of Mr. Fessenden was then sent to the Senate, and was at once confirmed. Mr. Fessenden was completely surprised. He was at the White House conferring with the President upon the situation of affairs in the Treasury Department when Mr. Lincoln told him that his own nomination was on the way to the Capitol. He at once hastened to the Senate Chamber to protest against it, but the nomination had been confirmed before he arrived. He sought, however, to decline, but the President insisted that he must accept. Influential senators and members of the House promised to aid and support him with such financial legislation as he might wish, and public opinion, so far as it was made manifest in resolutions of chambers of commerce and boards of trade and in the editorials of leading party newspapers, called upon him to take the office. So he resigned his seat in the Senate, and became Secretary of the Treasury. This act showed greater political courage than those who urged him to it could

realize. No one knew better than he the desperate condition in which the finances of the country then were. Credit seemed to be exhausted, paper money was very much depreciated, no new and untried source of revenue was apparent, and the demands for funds for prosecuting the war were increasing every day. Successful administration of the Treasury might well have seemed to him impossible, and yet upon him would fall the responsibility of failure, even although such failure be caused by policies adopted by his predecessor or by circumstances beyond his control. In the Senate his position was secure. In entering the Cabinet he staked his entire reputation and all his political prospects upon what must have seemed to be the most desperate chances.

Mr. Fessenden's career as Secretary of the Treasury has been too often referred to in a parenthesis, yet during the eight months that he held this office he quietly and unostentatiously performed the most important public services of his life up to that time. When he assumed the office on July 5, 1864, the condition of affairs was, as he afterwards modestly described it in his report to Congress, "peculiarly embarrassing." There was a cash balance on hand of about $18,000,000. The internal revenue averaged about three-quarters of a million a day, and the revenue from customs, which was payable in gold, had been pledged to pay interest on outstanding bonds. It had been the policy of the Treasury to issue to government creditors, whom it was not convenient to pay, certificates of indebtedness which were substantially prom-

issory notes payable in one year with interest at six per cent. At this time $161,000,000 of these certificates were outstanding, and they were coming due daily in amounts more than sufficient to absorb the current revenues. Furthermore in the summer of 1861, when it was believed that the war would be of short duration, a loan had been negotiated for three years, and these bonds, amounting to $110,000,000 were coming due in August and September of 1864. Pay to the army and current expenses generally were greatly in arrears. The unpaid requisitions upon the Treasury amounted to $92,000,000. It had been decided to increase the army by five hundred thousand men, and Grant had given notice that he should fight it out on the line chosen by him if it took all summer. This meant that the expense of prosecuting the war was about to be increased from two and one-quarter millions to three millions a day. To meet these enormous requirements money must be had immediately, else the government was bankrupt, the Union cause was lost, and, as the Democratic party that summer declared in convention, "the war was a failure."

There were three courses open to the Secretary. First, he might issue further certificates of indebtedness. This at best would be but a temporary expedient. The amount already issued exceeded the limit of safety, and they were selling on the market at several points below par. Second, he might increase the issue of legal tenders, but this he at once determined not to do if he could possibly avoid it. His original opposition to the Legal Tender act had been

strengthened and confirmed by the results of that act. There were then outstanding about $600,000,000 legal tenders, of which $431,000,000 were greenbacks and the balance treasury notes bearing interest, and gold was at 285. Third, he might borrow money through the sale of bonds. But the bonded debt of the government was then $816,000,000. Just before resigning Secretary Chase had attempted to dispose of the comparatively small amount of $33,000,000, but his advertisements for bids, which were published on June 25, were withdrawn a week later, since it appeared that the loan would not be taken upon terms which it would be for the interest of the government to accept.

Of these three courses, each thus beset with difficulties, the Secretary at once discarded the first two as impracticable for furnishing permanent relief, and determined to try to dispose of a new issue of bonds. Bonds which had heretofore been issued had been sold in most instances to banks, capitalists and syndicates, and by them placed upon the market, but it now appeared that this market would take no more except at a ruinous discount. Mr. Fessenden realized, however, that another market for government securities might well exist outside the stock exchanges of the great cities, in which market the people themselves might deal directly with the government without the intervention of brokers and middle men. In the people of this country he had full confidence. He firmly believed in their determination to put down the rebellion at any cost or sacrifice. He knew too that the people had faith in the government. They were

determined to win and they believed that they would. He therefore determined to offer as a great popular loan, the "seven-thirty" bonds which had just been authorized by Act of June 30, 1864. If the people should be made to understand the financial necessities of the government, he believed their patriotism would induce them to assist the government with their means; and as they had confidence in the ultimate success of the Union cause, he believed that the government bonds would appear to them as a safe and desirable form of investment. But to successfully carry out the plan which he had in mind would require a large and well organized corps of assistants such as the Treasury Department did not possess and had not time to obtain. So the Secretary called to his aid Mr. Jay Cooke who had before assisted the department in placing the "five-twenties." Mr. Cooke had organized in his own business an immense and most thorough system of advertising, and arrangements were made so that in every city, village and hamlet of the North the people should be thoroughly informed of this new loan. Local newspapers were furnished with full, accurate and carefully prepared information. Circulars and personal letters were sent out by the thousands, and in every way then known to the science of modern advertising these bonds were placed before the public. Opportunities were given to every one to subscribe, and that the bonds might be within the reach of people of humble circumstances, they were issued in small as well as in large denominations. The plan proved a pronounced success, and

the "seven-thirtys" became very popular almost immediately. Money flowed into the treasury in a constantly increasing stream, and the financial embarrassment of the government was soon relieved.

A most gratifying incident in connection with the sale of these bonds was the alacrity with which they were taken by the soldiers in settlement of the arrears of pay due them. The soldiers were not compelled to take the bonds. They were offered their pay either in money or in bonds as they might prefer, and over $20,000,000 in bonds were taken by them. The spectacle of soldiers in the ranks not only fighting the battles of their country, but also loaning the government money to carry on the war is believed to be without historical parallel.

When Mr. Fessenden left the Treasury in March, 1865, to again take the seat in the Senate to which the Legislature of Maine had reelected him, the clouds of eight months before had disappeared. Threatened bankruptcy had been averted, and the financial affairs of the government had been conducted to a position of safety. The empty coffers had been filled, the obligations of the government had been met, and its badly shattered credit had been restored. To these results the victories of the Federal armies contributed in no small measure, for no financial policy could have been long successful in the face of continued military defeat. But on the other hand, the firm will, the clearly defined and well sustained policy and the unflinching constancy of the Secretary which had been solely directed to rescuing the Treasury from its position of

embarrassment and danger, had to no small extent made Union victories possible, for no campaign of any importance could have been conducted to a successful termination without the "sinews of war."

For his services in the Treasury Department Mr. Fessenden has never had the full credit that was his due. His predecessor has received unlimited praise for meeting the financial requirements of the first three years of the war — requirements that were without precedent. But when Secretary Chase resigned, the financial necessities of the government, great as they had been before, were greater than ever then. Secretary Chase raised by loans in three years and four months $816,000,000, or about $20,000,000 a month, and of this $110,000,000 had to be met by Secretary Fessenden at the most embarrassing period. Mr. Chase also issued $600,000,000 of legal tender paper and $162,000,000 of certificates of indebtedness. Secretary Fessenden raised by loans in eight months $450,000,000, or $56,000,000 a month, and did not increase the issue of paper. Mr. Fessenden's successor has been given great credit for supplying without embarrassment the immense sums needed to pay off the troops when they were finally discharged, and for his success in refunding the "seven-thirty" loan. But Secretary McCulloch in the one case had to merely pay out money from a treasury which he found overflowing and from which no further war expenses were to be paid, and in the other to exchange for a maturing obligation worth only par one worth a premium of ten per cent and constantly appreciating.

While Mr. Fessenden held office few knew the serious condition of the Treasury, or could appreciate the measures taken for its relief. Great events were happening elsewhere, and the people were watching the armies. Generals had been produced at last who could and would fight, and those who led the Northern arms to victory received from the people all the credit and all the glory for the salvation of the Union.

The most difficult political problem of the century was perhaps that of reconstruction. Upon the surrender of her armies the South was prostrate before the power of the North. What should be done with her? The Union had been saved, how should it be preserved? Slavery, which had been the curse of the republic, was dead, what should be the status of the freedman? The problem was complicated at the outset by a controversy between the executive and legislative branches of the government as to which branch had the constitutional power of seeking and applying a solution. First President Johnson attempted to solve it alone. When he came into office in April, 1865, upon the death of Lincoln, instead of then calling an extra session of Congress to deal with the many questions presented by the cessation of hostilities, he thought best to proceed without legislative assistance or hindrance. He therefore had until the following December for carrying on his experiments. At the beginning of this brief space of time he was in favor of harsh and severe measures in dealing with the South, and talked vehemently of punishment; at the end he was warmly sympathizing with

the Southern people and was their protector against Northern oppression. He had, therefore, sought to restore the Southern states to their former position in the Union as quickly as possible. First a proclamation of general amnesty was issued, excepting from its benefits only certain classes. Those excepted in the proclamation, however, were practically promised a full pardon if they would apply for it in person, and over fourteen thousand availed themselves of this privilege. Conventions were then held in the different Southern states for revising the state constitutions and providing for the reorganization of the state governments, and the people were soon called upon to elect state officials and members of Congress. Before Congress met, reconstruction according to the President's plan was practically completed. New state governments had been organized, and United States senators and members of Congress had been elected. If the President's acts were valid there was nothing for Congress to do in the matter except to admit to their seats those claiming to represent the states lately in rebellion, and to proceed with the ordinary affairs of legislation as if the war had never taken place.

To Congressmen returning to Washington in December, 1865, after a nine months' absence, a strange spectacle was presented. When Congress had adjourned in March the war was still in progress, the Confederate armies were in the field, and battles were still to be fought. When in December members returned for the first session of the next Congress, they found there many of the most prominent leaders of the Rebellion

coolly demanding the seats in the Senate and House of Representatives to which their various "sovereign peoples" had elected them. They had come to Washington not as petitioners, but as claimants, not as representatives of a defeated people to sue for mercy, but as if they themselves were victors, to dictate terms of peace. In March they were attempting to overthrow the Constitution, in December they were prepared to construe it to its defenders. The power of the government which they had failed to overthrow they now claimed to share.

The successive acts of the President which had ended in bringing about this anomalous condition had been watched with surprise and indignation at the North, and the President soon found that he had almost entirely lost the support of the Republican party which had elected him Vice-President. When Congress met members were in no temper to listen to these claims for Southern representation. They were hardly prepared to be even civil to the President who had, as they believed, assumed the functions of Congress. It was at once decided to appoint a special joint committee on reconstruction, a resolution to this effect passing the House even before the President's message was read, and to this committee should be referred all the questions and all proposed legislation relating to the restoration of the late Confederate States. This was the famous "Committee of Fifteen." It numbered among its members the leading men of both parties, and its chairman was Senator Fessenden.

In the appointment of this committee Congress had practically disregarded, as of no legal validity, the various steps taken by the President and by the Southern people under his direction. Johnson regarded this as a challenge, which he accepted with alacrity, and publicly and privately encouraged the South to insist upon its demands. Utterly lacking in tact and discretion, and blind to the gathering storm of disaffection in the party which had elected him, he obstinately persisted in the course upon which he had started. Around him was gathering a party largely made up of office holders and flatterers, soon to lose, however, all but an insignificant number of the Republicans, but to be reenforced by practically the entire Democracy. Congress was overwhelmingly Republican in both branches, and the members were early assured of the support of their constituencies in their opposition to the President. On the one hand was the North, angry and excited at the prospect of losing the legitimate fruits of its dearly bought victory; on the other was the South, as arrogant as before the war, as defiant as before defeat. It was evident that the peace, which had been hailed so joyously in the spring, had not yet come. The country was still in a state of war. Only the field of operations and the method of carrying on the contest had changed. How could the contest be ended? Upon what terms could a real and lasting peace be secured? These were the questions for the committee to answer, and the excited state of the public mind and the open and growing hostility be-

tween the President and Congress made them almost hopelessly complicated and difficult.

The report of the committee, which was made after a thorough and careful examination into the condition of the Southern states, was anxiously awaited in the belief that it would shed light upon the darkness, and would point out the true path leading to a reunited nation. The report was written by Mr. Fessenden, and it has been said of it that with the possible exception of the Proclamation of Emancipation it is the ablest state paper of the period. With perhaps the same exception it is the most important. Clear and lucid in its style, admirable in its composition, faultless in its logic, convincing in its argument, thorough and complete in its treatment of the subject, and wise in its recommendations, it is a document upon which Mr. Fessenden may well rest his reputation for broad, intelligent, patriotic and wise statesmanship. The influence of the report was immense. It became the creed of the Republican party, and the settlement of the question therein proposed was considered throughout the country as reasonable, practicable and just.

The committee's plan of reconstruction was through the Fourteenth Amendment which should be ratified by the Southern states as a condition of readmission. The Fourteenth Amendment was accordingly adopted by Congress in accordance with the suggestion of the committee, and in nearly the same form in which the committee had drafted it. It was at once ratified by the Northern states and also by Tennessee, and that state was promptly readmitted to representation. But

as the other Southern states rejected the amendment some other measure was necessary, and in March, 1867, ten months after the committee had presented its report, the reconstruction bill was passed, by the terms of which the South was placed under military government, which was to continue until the conditions previously offered should be accepted. This bill made loyalty to the government the sole requirement for suffrage, thereby enfranchising the negroes while disenfranchising all unpardoned rebels. Under these circumstances the conditions imposed by Congress were soon complied with, and the South came back into the Union through the votes of its former slaves.

In thus granting suffrage to the negro, which grant was made perpetual by the Fifteenth Amendment, a grave error was committed. It may be said that the negro who had been constantly loyal to the government and had fought in the Union ranks ought to have as much right to vote as the white man who had been but recently pardoned for disloyalty and rebellion; but it was surely an error to grant the negro such right and not protect him in the exercise of it. By means of bulldozing, terrorizing and fraud the negro vote was promptly suppressed just as soon as the Federal troops were withdrawn. The Fifteenth Amendment has been and is openly disregarded and defied not by states acting through their legislatures, but by individuals, and Congress has been powerless to interfere. Instead of a boon to the colored man, suffrage has been a hindrance. Instead of diminishing the power of the Southern white man the Fifteenth

Amendment has largely increased it, for the Southern states have been increased in power in the House of Representatives and in the Electoral College by counting the colored men as voters, and this power has been wholly exercised by the whites. By forcing negro suffrage upon the Southern states, the Republican party placed in their hands the means by which its own overthrow was to be accomplished.

Mr. Fessenden, although he had from his earliest days been an opponent of slavery, and had always been a true friend to the colored race, was not in favor of negro suffrage as a condition of reconstruction. When the proposed Fourteenth Amendment was before the Senate it was most forcibly attacked by Mr. Sumner because it did not grant universal suffrage, and Mr. Fessenden in his reply contended that it was in all respects better to leave the question of suffrage wholly to the states, holding out to them, however, the prospect of increased representation whenever they should make suffrage universal. Negro suffrage might thereby appear as for the interest of the South, and the negroes would in time be enfranchised by act of the states themselves. Had the negro received the right from the state, he would have been much more likely to have been protected in its exercise.

Mr. Fessenden was now at the height of his power and influence and was the recognized leader of his party in the Senate. He had the respect of his opponents, and calumny and slander had spared him. Had death here ended his career the mourning would have been far more general and sincere than that which

actually occurred two years later, and his memory would have been far more warmly cherished by his contemporaries than has been the case. But another great public service remained for him to perform — to vote "Not Guilty" on the impeachment of Andrew Johnson. By so doing he forfeited all his popular support, lost the greater number of his political friends, and ceased to be a party leader. For the first time in his life he was subjected to general and unmitigated abuse, much of it coming from those who had long looked to him for leadership.

It would be beyond the limits of this paper to review, even briefly, the acts of the President which so aroused against him the antipathy of the Northern representatives, and led them to seek his removal from office. Prominent among these acts may be mentioned his vetoes, his exercise of the pardoning power, his appointments and his messages to Congress. Many of them merited, doubtless, the severe criticism which they received; but such offenses, if any, as were here committed were political, and could not properly subject him to impeachment. But these were what had raised against him the most enemies, and could he have been legally impeached for them, he would not have held office longer than the time necessary for a fair trial. In his exercise of the powers of the presidential office he had antagonized opinions as to public policy which were overwhelming at the North, and the argument that in so doing he had acted strictly within his constitutional right could have little weight with the mass of the people who desired his removal,

and were unused to legal distinctions. In his speeches and public addresses he had often shocked and even outraged good taste, and had been unmindful of the proper dignity of his office. In desiring his removal for this cause it was forgotten that Congress had no constitutional right to set itself up as a school for manners. The North desired his removal, and this desire was based upon acts and opinions of his for which he could not be impeached; but long before he was put upon his trial before the Senate he had been tried and condemned by public opinion at the North, so that when the Impeachment came the people insisted and demanded that he be adjudged guilty regardless of the truth or falsity of the charges actually preferred against him in the Articles of Impeachment.

Among the leading political opponents of the President was Senator Fessenden. No two men could be more unlike. In education, character, intellect, habits of thought, manner and political opinions they were in pronounced and unreconcilable opposition. They had practically nothing in common, and for Johnson's character Fessenden had a supreme contempt. Yet while the Senate was sitting as a court of Impeachment, Mr. Fessenden realized that his duties were then judicial and not political, and that he must base his decision upon the articles presented and the testimony offered in support of them, not upon anything outside of the record. Personal and political considerations must be wholly disregarded.

The charges brought against the President were in themselves not serious. The gravest of them was that

he had attempted to remove a member of his cabinet, Secretary Stanton, without the advice and consent of the Senate. This, it was contended, was a violation of the Tenure of Office Act. If this were so, the violation was technical. The act alleged to have been violated was of doubtful propriety, and was in fact soon after repealed. Of course that a law is unwise is no excuse for its violation. But had President Lincoln or President Grant disregarded the provisions of this law in precisely the same way that it was charged President Johnson had done, there would never have been a thought of impeachment. In Johnson's case, however, it offered an opportunity which had long been waited for, and the incident was seized upon as furnishing means by which really the President might be punished for sins which in themselves could not be directly reached.

But even on the question here presented, as to whether the President in removing Mr. Stanton had acted outside of his constitutional and legal rights, there was a grave difference of opinion among those equally competent to judge. Able and learned constitutional lawyers maintained that the law had been violated, and lawyers no less able and no less learned maintained the contrary. Mr. Fessenden was one of those who held the latter view, and believed that the President had a legal and constitutional right to remove Mr. Stanton in the manner and at the time that he did. The certainty of public disapproval to follow his acting upon this view did not deter him, and in his opinion, filed in the case, he thus referred to it: —

To the suggestion that popular opinion demands the conviction of the President upon these charges, I reply that he is not now on trial before the people, but before the Senate. In the words of Lord Elden, upon the trial of the Queen, "I take no notice of what is passing out of doors, because I am supposed constitutionally not to be acquainted with it." And again, "it is the duty of those upon whom a judicial task is imposed to meet reproach and not court popularity." The people have not heard the evidence as we have heard it. The responsibility is not on them, but upon us. They have not taken an oath to "do impartial justice according to the Constitution and the laws." I have taken that oath. I cannot render judgment upon their convictions, nor can they transfer to themselves my punishment if I violate my own. And I should consider myself undeserving the confidence of that just and intelligent people who impose upon me this great responsibility, and unworthy a place among honorable men, if for any fear of public reprobation, and for the sake of securing popular favor, I should disregard the convictions of my judgment and my conscience.

The consequences which may follow conviction or acquittal are not for me, with my convictions, to consider. The future is in the hands of Him who made and governs the universe, and the fear that He will not govern it wisely and well would not excuse me for a violation of His law.

The vote of the Senate was thirty-five for conviction and nineteen for acquittal, Mr. Fessenden voting with the minority, and since the necessary two-thirds had not voted "Guilty," the President was not convicted. A change of a single vote given for acquittal would have changed the result. Seven Republican senators voted "Not Guilty," and upon them was at once poured the vials of public wrath, since any one of them might properly be said to have prevented what the vast majority of people so ardently desired.

Among the members of the House who voted for Impeachment was Mr. Blaine, and he has since said: —

Sober reflection of later years has persuaded many who favored Impeachment that it was not justifiable on the charges made, and that its success would have resulted in greater injury to free institutions than Andrew Johnson in his utmost endeavor was able to inflict.

But Mr. Fessenden did not live until "sober reflection of later years" could persuade his detractors that they had been unjust to him. Before the anger which his action had aroused had subsided, he died at his home in Portland, Maine, September 8, 1869. For the last ten years of his life he had not been well. In 1858 he had been one of the victims of a mysterious sickness which broke out among the guests of the National Hotel in Washington, from the effects of which he never fully recovered. In the onerous duties imposed upon him he had doubtless overworked. So that when his final illness came, although at first thought to be not serious, it proved more than he could bear, and in about a week after he was first attacked he died. The suddenness of his death especially shocked the community in which he had lived, and there at least recent animosities were at once forgotten in the universal effort to do honor to his memory. The funeral services which took place in the First Parish church, where he had been a constant attendant, were largely attended, crowds waiting on the steps from early morning until the church should be open. The streets were lined with people as the funeral procession passed. All flags were at half-mast both in the city and on the shipping in the harbor, all the bells of the city tolled, and minute guns were fired from the fort and arsenal. That the mourning was

wide-spread and sincere was self-evident. Portland had lost her greatest citizen, the greatest man who had ever lived within her walls.

Mr. Fessenden was not what is called a popular man, that is, he did not have that quality best described, perhaps, as "personal magnetism," such as was possessed in such marked degree by that other distinguished son of Maine, who soon after occupied his seat in the Senate—Mr. Blaine. The people believed in his integrity, had confidence in his judgment, and admired his ability, but they were not inspired with a feeling of personal loyalty and of intense and unquestioning devotion to himself and his fortunes. His character did not appeal to their emotions. It was not their love he won. He appealed to their consciences and to their common sense, and they followed him because they were convinced that he was right. He was reserved and dignified in manner, and was, perhaps, somewhat aristocratic, had little patience with those whom he considered bores, cared nothing for the patronage of his position, and was often short and sharp with office seekers. He had a supreme contempt, which he took no pains to conceal, for those who were in politics for what they could make, and expected reward for political services. These traits naturally made him unpopular with certain classes, and gave him a reputation for being cold and unapproachable, but to those admitted to his personal friendship he was a most genial companion, and was by them held in such close affection as to prove such reputation undeserved. No man had warmer friends, and they knew,

as perhaps others did not, that a truer, kinder heart than his beat in no human breast.

Fessenden exercised in private life the same virtues that made his public career conspicuous. He had no private vices, such as dim the luster of the fame of Clay. He was always a perfect gentleman, courteous and refined. He was slight in figure, with erect and dignified carriage, and his face, finely cut and attractive, without being handsome, bore an expression of shrewdness and sagacity that did not suggest cunning. During the later years of his life he was so engrossed in public affairs that he had little time and less inclination for social life, and except to a few intimate friends he was essentially a public man.

He often seemed indifferent to public opinion. He was, perhaps, too much so. Yet he was peculiarly sensitive to praise and censure, the more so, doubtless, because he was unwilling to purchase the one, or seek to conciliate the other, by concessions which he regarded as venal. He was not the man to feel the public pulse before making up his own mind. He was governed by principle, not by policy. But in the application of principles no one was more practical. He was not a theorist, and while believing that moral principles should underlie legislation, he realized that perfect righteousness is not always attainable in this world, and that what may be theoretically right is sometimes beyond the power of human legislatures to enact. He was remarkably modest. He never distributed copies of his speeches, and he made no collection of his works for publication. He underestimated

the importance of his public services. He had self-confidence, but not self-assurance; self-respect, but not self-conceit.

His speeches are models of English style in the purity of their language and in the clearness of their composition. There are in them no metaphorical or other figurative expressions, no classical allusions or poetical quotations. They appealed to the reason and the common sense, not to the passions or the imagination. His was not an eloquence to move the masses, nor to win the applause of the galleries, but was most effective in bringing senators to his point of view. To him the Senate was a legislative body, an assembly convened for business, not an audience for oratorical display. He spoke not to win applause, but to win votes. Consequently it was as a debater, not as an orator, that he excelled, and in the parry and thrust of general debate he was without a peer. The ponderous orations of Sumner, which fill many volumes of his published works, held the Senate spellbound with their matchless eloquence, but the debates in which they were delivered were often influenced more by the five minute speeches of Fessenden, now buried in the columns of the Congressional Globe, than by the learned essays of his fellow Senator, so carefully preserved for an admiring posterity.

Fessenden was vigorous and strong in intellect, keen and sagacious in judgment, practical in striving for results, but the great overshadowing elements of his fame and character were an integrity of purpose yielding to no temptation, persuasion or circumstance, and

a moral and physical courage which no threatened disaster could shake. Utterly indifferent to danger, he trod only the straight path of rectitude.

Maine never had a son before of whom she was so proud. The Senate of the United States never bore upon its long distinguished roll a name deserving more honor. A model senator, with a character that was Roman in the highest sense, inflexible, yet courteous, pure without ostentation.

7L2009.084.09744